

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
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| Marie-Laure DELACOUR et al. |) | Group Art Unit: 1615 |
| |) | |
| Application No.: 10/614,016 |) | Examiner: CHANNAVAJJALA, L. S. |
| |) | |
| Filing Date: July 8, 2003 |) | |
| |) | |
| For: COSMETIC COMPOSITION HAVING |) | Confirmation No.: 9511 |
| A PASTY TO PULVERULENT |) | |
| TEXTURE AND THE COSMETIC USE |) | |
| THEREOF |) | |

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA EFS WEB

Sir:

TERMINAL DISCLAIMER

Assignee, L'Oreal S.A., duly organized under the laws of France and having its principal place of business at 14, Rue Royale, 75008 Paris, FRANCE, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/614,016, filed July 8, 2003 for COSMETIC COMPOSITION HAVING A PASTY TO PULVERULENT TEXTURE AND THE COSMETIC USE THEREOF in the name of Marie-Laure DELACOUR, Patrice STYCZEN, and Xavier RAY, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 014724, Frame 0872 on November 21, 2003.

Assignee, L'ORÉAL, further represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent No. 6,565,862 ("the '862 patent"), filed on January 27, 2000, as indicated by the assignment duly recorded in the United States Patent and Trademark Office at REEL 010819, FRAME 0987, on May 31, 2000.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the '862 patent. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the '862 patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee and its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the '862 patent, as presently shortened by any terminal disclaimer, in the event that the '862 patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 for this Terminal Disclaimer is submitted herewith. Please charge any additional fees that may be due in connection with the filing of this Terminal Disclaimer to Deposit Account No. 06-0916. If any fee is required for any extension of time under 37 C.F.R. § 1.136 is required and not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.



Dated: January 15, 2008

By: _____
Erica C. Boughner
Reg. No. 60,694